

Comisiynydd Heddlu a Throseddu Dyfed-Powys,
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**Comisiynydd Heddlu a Throseddu
Dyfed-Powys
Police and Crime Commissioner**

Police and Crime Commissioner's Statutory Responsibilities in relation to Police Complaints

Reporting Period: 1st April 2023 to 31st March 2024

1.0 Introduction

- 1.1 This report has been prepared to meet the requirements of The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021
- 1.2 The Police and Crime Commissioner has three main duties in relation to police complaints, as outlined below:
 - Appropriate Authority to consider complaints about the Chief Constable
 - Duty to hold the Chief Constable to account in providing an effective and efficient complaints process
 - Relevant Review Body of some police complaints
- 1.3 This report will provide information relating to the resources and processes that have been put in place to meet those duties and will give reassurance that the Police and Crime Commissioner is fulfilling his duties in relation to police complaints.
- 1.4 This report does not contain details of any specific complaint or review dealt with by the Police and Crime Commissioner.

2.0 Statutory Duties

2.1 Appropriate Authority of complaints about the Chief Constable

- 2.1 The Police and Crime Commissioner for Dyfed Powys is statutorily responsible for considering complaints made against the Chief Constable of Dyfed Powys Police. It is also the role of the Police and Crime Commissioner to ensure those complaints are dealt with in a reasonable and proportionate manner.
- 2.2 During the period 1st April 2023 and 31st March 2024, the Office of the Police and Crime Commissioner (OPCC) received a total of 3 Chief Constable complaints. However, the complaints received did not meet the criteria to be recorded as a formal complaint as the complaints were suitable for handling through another process. Decision are made in accordance with the IOPC Focus publication on handling complaints against a Chief Officer. [IOPC Focus newsletter 16 \(policeconduct.gov.uk\)](https://www.policeconduct.gov.uk/newsletters/16)

3.0 OPCC Complaint Reviews

- 3.1 The Policing and Crime Act 2017 and supporting regulations made significant changes to the police complaints and disciplinary systems. They introduced a number of changes designed to achieve a more customer-focused complaints

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system. Importantly, the reforms aim to make the discipline system more proportionate and encourage a much greater emphasis on learning from mistakes.

- 3.2 Local accountability was enhanced through changes to the role of Police and Crime Commissioners. They have a central role in deciding how the complaints system operates at a local level, as they have the option of taking on direct responsibility for certain functions. Where appeals were previously handled by either the Chief Constable or the IOPC, the new right to apply for review is to either the Police and Crime Commissioner or the IOPC. This change is aimed to increase independence and transparency.
- 3.3 The Act provides a choice of three models, which the Commissioner may choose to adopt. In Dyfed Powys, the Commissioner confirmed that **Model 1** will be adopted. The rationale for this decision can be located on the Dyfed Powys OPCC website: <https://www.dyfedpowys-pcc.org.uk/media/8964/c-users-65015-desktop-dll-dec-s.pdf>.
- 3.4 Since 1st February 2020, if an individual's complaint was recorded under Schedule 3 of the Police Reform Act 2002 and the individual is unhappy with the outcome of their complaint, they can submit an application for a review to the Relevant Review Body, either the IOPC or the Police and Crime Commissioner. Dyfed Powys Police continue to be responsible for logging, recording and investigating complaints and for keeping complainants informed of progress.
- 3.5 The IOPC is the relevant review body where –
- the appropriate authority is the Police and Crime Commissioner
 - the complaint is about the conduct of a senior officer (an officer holding a rank above chief superintendent)
 - the appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings¹⁴⁵ or would not involve an infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights (see glossary)
 - the complaint has been, or must be, referred to the IOPC
 - the IOPC is treating the complaint as having been referred (also known as the 'power of initiative', see paragraphs 9.36 – 9.39)
 - the complaint arises from the same incident as a complaint falling within ii-v
 - any part of the complaint falls within ii-vi
- 3.6 In any other case the relevant review body is the Police and Crime Commissioner.
- 3.7 **Outsourcing Reviews**

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- 3.8 Dyfed Powys, Gwent and North Wales Police and Crime Commissioners decided to outsource reviews on an initial basis, as this was the most financially viable option and would allow an initial understanding of the level of demand, prior to any permanent decisions being made.
- 3.9 A joint tender process to outsource complaint reviews was led by the Dyfed Powys Office of the Police and Crime Commissioner. The contract was awarded to Sancus. The rationale for this decision is available on the Dyfed Powys Office of the Police and Crime Commissioner website: [complaint-review-tender-decision-log-2022-002.pdf](https://www.dyfedpowys-pcc.org.uk/complaint-review-tender-decision-log-2022-002.pdf) ([dyfedpowys-pcc.org.uk](https://www.dyfedpowys-pcc.org.uk))
- 3.10 Every individual is notified that the complaint reviews are outsourced to an independent organisation. This information is available on the Dyfed Powys OPCC website (in the OPCC Review Form section): <https://www.dyfedpowys-pcc.org.uk/media/11417/opcc-review-form-english-website.pdf>
- 3.11 The OPCC has developed quality assurance mechanisms to ensure that review decisions are sound and in-line with the requirements of the complaint's legislation and IOPC statutory guidance. The reviews are considered independently by Sancus (see section 3.9), the review is then considered alongside the Sancus recommendations and the outcome written by the Quality of Service Caseworker. The Head of Assurance then considers the proposed outcome prior to disclosure. OPCC staff involved in the review process regularly attend IOPC workshops and events, ensuring that they are up-to-date with legislation and statutory guidance.
- 3.12 Additionally, when each complaint review is considered, the OPCC retain a log of all recommendations/lessons learnt made to Dyfed Powys Police Professional Standards Department (PSD). The OPCC ensure that we have received a satisfactory response from Dyfed Powys Police, that addresses the recommendation/lesson learnt identified, prior to updating both the complainant and the log with those details. Those logs are then considered for any opportunities to improve the quality of responses to future complaints.
- 3.13 During the course of the review process, a reviewer may spot anomalies that do not change the outcome being reasonable and proportionate, but where the service in handling the complaint can be improved. The review process provides local policing bodies with the opportunity to address those anomalies, in individual cases, with the appropriate authorities. Sharing this information with the IOPC will allow it, as a mutual oversight body, to assess whether there are themes and trends across the reviews we both see, and whether we need to take specific action to address complaint handling concerns. For example, a pattern of cases where the outcomes were reasonable and proportionate but where the customer service was unsatisfactory. This also enables both oversight bodies to share good practice between themselves and with appropriate authorities that help resolve a complainant's dissatisfaction in a reasonable and proportionate manner.

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3.14 The OPCC produces a quarterly report on review performance which considers the timeliness of review and also any oversight themes that are identified. The information is published quarterly on the [OPCC website](#).

3.15 Reviews 2023/24

3.16 Between 1st April 2023 and 31st March 2024, a total number 59 reviews were received during this period which is slightly more than the previous year where 51 reviews were received. A total of 57 complaint reviews have been completed by the OPCC during this period, 5 of which were carried on from the previous year.

3.17 The new regulations relating to police complaints provides the Relevant Review Body with one element to consider and that is whether the outcome of the police complaint was reasonable and proportionate.

3.15 If the Police and Crime Commissioner determines that the outcome provided by the Force was reasonable and proportionate, the review is not upheld. If the Police and Crime Commissioner finds that the outcome is not reasonable and proportionate, it may:

- recommend that the appropriate authority refer it to the IOPC, if the complaint has not been previously referred
- recommend that the appropriate authority investigate the complaint
- make a recommendation under paragraph 28ZA, Schedule 3, Police Reform Act 2002 (recommendation with a view to remedying the dissatisfaction of a complainant, see paragraphs 17.15 – 17.20).

3.16 Of those 57 review completed, 4 were Upheld, 53 were Not Upheld. A total of 4 reviews resulted in recommendations identified by the OPCC. 7 reviews are being carried over to the new financial year, which is due to the date the review application was submitted.

4.0 How the Police and Crime Commissioner is holding the Chief Constable to Account

4.1 The Chief Constable is the Appropriate Authority for all complaints made about officers, staff and services under his direction and control. This duty has been delegated to the Deputy Chief Constable and is carried out by the Force's Professional Standards Department.

4.2 The Police and Crime Commissioner has a duty to ensure that the Chief Constable has an effective and efficient police complaints system in place and the Policing Board is the forum in which the Police and Crime Commissioner holds the Chief Constable to account for the delivery of policing services across the Dyfed Powys

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area. Between April 2023 and March 2024, the Policing Board met on 14 occasions; a forward working programme ensured these meetings were focused and effective. The Policing Board adopts a themed approach, where each meeting focuses on a particular area of business; identified and prioritised based on operational demand, community impact and risk. In September 2023, there was an areas of focus which considered the performance of the Professional Standards Department who have responsibility in considering complaints and misconduct on behalf of the Chief Constable. Minutes of the meetings can be located via the following hyperlink:

[Policing Board \(dyfedpowys-pcc.org.uk\)](https://dyfedpowys-pcc.org.uk).

4.3 Further Scrutiny

4.4 Further scrutiny of the police complaint's function is carried out by the Independent Office for Police Conduct (IOPC) and scheduled investigations by Her Majesty's Inspectorate of Constabulary (HMICFRS). Statistical reports of their scrutiny and findings are available on their respective websites. The Dyfed Powys Police and Crime Commissioner responses to the assessments are published:

<https://dppopcc.azurewebsites.net/en/transparency/force-performance/> The Police and Crime Commissioner receives progress updates on implementing relevant recommendations made by HMICFRS in Policing Boards and minutes of those meetings are published on the [OPCC website](#).

4.5 During the period 1st April 2023 and 31st March 2024, the OPCC received 3 written communications issued by the Force under regulation 13 of the Police (Complaints and Misconduct) Regulations 2020, where an investigation has not been completed within a "relevant period."

4.6 The Dyfed Powys Police and Crime Panel scrutinises and supports the work of the Police and Crime Commissioner. Throughout 2023-2024, the Panel continued to hold the Police and Crime Commissioner to account for the performance of his statutory functions and delivery against his Police and Crime Plan priorities. The Panel is made of up of members nominated by the four councils in the force area, and at least two independent members. Five formal Panel meetings were held during the year. Previous meetings can be located on the Dyfed Powys Police and Crime Panel website: <https://www.dppoliceandcrimepanel.wales/home/meetings/>.

Professional Standards Assurance Board

4.7 It was agreed at Policing Board that a Professional Standards Assurance Board (PSAB) would be established to strengthen the PCC's oversight of Complaints, Misconduct and Vetting.

The [Terms of Reference](#) provides information on the frequency of the meeting and how the Board will operate. The inaugural meeting took place in March 2024 and assurance was provided for the following subject areas

- Police complaints performance in conjunction with IOPC National data
- Misconduct cases
- Anti-Corruption Unit

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- Vetting
- Angiolini Review
- OPCC Complaint reviews
- OPCC Complaint Dip Sampling
- HMICFRS Report on Misogyny, Misconduct and Vetting
- IOPC VAWG dip sampling

4.8 The OPCC has a process in place to action communication, dissatisfactions and complaints received of an operational nature or in relation to officers below the rank of Chief Constable – this communication is the responsibility of the Chief Constable and falls outside of the remit of the Police and Crime Commissioner. The OPCC considers all communication received and provides relevant advice to the individual, including the process for making a complaint to the Force, details of the relevant department or process relevant to their communication and/or any relevant information/hyperlink to further information on the Force website. This communication is logged and considered by the OPCC.

4.9 Within the Police and Crime Plan, the Police and Crime Commissioner committed to delivering a professional response to complaints (and compliments) that is widely accessible, transparent and provides swift and proportionate responses. The OPCC considers dissatisfaction raised by members of the public concerning various issues that they have encountered within our Force area; these are referred to as 'Community Concerns.' 'Community Concerns' are recorded using categories:

- 'Personal Concerns' such as anti-social behaviour, traffic concerns or domestic abuse;
- 'Organisational Concerns' such as CCTV, financial/budgets or arrest dissatisfaction; and
- 'Other Concerns' such as local/national concerns or non-policing related concerns.

4.6 During the period 1st April 2023 and 31st March 2024, the OPCC recorded a total of 412 community concerns which is the same number recorded for the previous year.

5.0 OPCC Complaint Dip Sampling

5.1 The OPCC review complaint data to identify any themes in complaints or a consistently high volume of complaints in a particular area of policing. Consideration is given to further work that may need to be undertaken to address repetitive concerns. This can include dip-sampling, or independent analysis or top-level data comparison with other similar forces etc. The aim of dip-sampling activity is to scrutinise the performance of the Force's complaints management process. The volume of police complaint cases considered by Dyfed Powys Police's Professional Standards Department dictates that it would be impractical for the OPCC to oversee every complaint case, therefore dip-sampling enables the Police and Crime Commissioner to fulfil his oversight and monitoring responsibility under legislation.

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5.2 Since September 2023 the OPCC have been conducting monthly dip sampling of closed complaint cases. 34 cases have been reviewed during this period which have considered the following areas:

- Complaints closed as “Other Action”
- Hate Crime
- Outside Schedule 3 complaints
- Police Action following Police Contact
- Investigations
- Discrimination

6.0 Independent Office for Police Conduct (IOPC) Statistics

- 6.1 The IOPC collect information from all police forces in England and Wales about the types of complaints they are receiving and how long they take to deal with them. This allows the IOPC to identify good practice, trends and differences that we need to look into.
- 6.2 IOPC complaints data is published quarterly and allows Forces and OPCC's to compare data with most similar forces and it provides the data for the same period last year which allows us to identify themes for scrutiny.
- 6.3 Data is also provided on the OPCC complaint reviews and provides an indication of complaint satisfaction by giving a percentage of complaint reviews submitted in comparison to the number of complaints recorded.
- 6.1 The quarterly and annual IOPC statistics can be located on their website, via the following hyperlinks: Quarterly Statistics: [Dyfed Powys Police | Independent Office for Police Conduct](#) Annual Statistics: [IOPC Police complaints: Statistics for England and Wales](#)

6.0 Publication

- 6.1 In accordance with The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021, this information and report will be published on an annual basis on the Dyfed Powys Police and Crime Commissioner's website.

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